actions pertaining to the judgment based upon the formula for calculation of such dates set forth in this Order

Signed September 18, 2003.

/s Roy T. Sparkman
Roy T. Sparkman
JUDGE PRESIDING

APPROVED:

/s Steven L. Lee
Steven L. Lee
Attorney for Respondent

/s Stephen A. Moyik
Stephen A. Moyik
Attorney for Petitioner

B. State Appellate Court Orders

1. Memorandum Opinion (May 5, 2005)

AFFIRM and Opinion Filed May 5, 2005

In The
Court of Appeals

Fifth District of Texas at Dallas

.....

No. 05-03-01779-CV

.....

BRYAN L. WALTER, Appellant

V.

COMMISSION FOR LAWYER DISCIPLINE, Appellee

On Appeal from the 401st Judicial
District Court Collin County, Texas
Trial Court Cause No. 401-1212-02

MEMORANDUM OPINION

Before Justices Wright, Moseley, and Lang
Opinion By Justice Wright

Bryan L. Walter appeals the trial court's partially probated judgment suspending him from practicing law. In five issues, appellant contends (1) the trial court erred by applying Disciplinary Rule of Professional Conduct 8.04(a)(3) to conduct in his private life; (2) Rule 804(a)(3) is unconstitutional; (3) the evidence is legally and factually insufficient to support the trial court's determinations regarding certain complaints; and (4) the trial court erred by allowing the Commission for Lawyer Discipline to amend its petition during trial. We overrule appellant's issues and affirm the trial court's judgment.

In his first issue, appellant contends the trial court erred by applying Rule 8.04(a)(3) to conduct in his private life. Appellant does not contend that his conduct did not involve dishonesty, fraud, deceit, or misrepresentation. Rather, appellant complains that rule 8.04 does not apply because he was acting as a party, not as an attorney when the complained-of conduct occurred; and it is unreasonable to apply it to his personal conduct because "the trial judge in the custody matter . . . had the opportunity to sanction [him] . . . and refused to do so." We disagree.

Rule 8.04 provides that a lawyer shall not violate the disciplinary rules "whether or not such violation occurred in the

course of a client-lawyer relationship." Tex. R. Disciplinary P. 8.04(a)(1) Consequently, rule 8.04(a) applies whether an attorney is acting in his professional capacity as an attorney or as a party. See Cohn v. Comm'n for Lawyer Discipline, 979 S.W.2d 694, 697 (Tex. App.-Houston [14th Dist.] 1998, no pet.); Diaz v. Comm'n for Lawyer Discipline, 953 S.W.2d 435, 438 (Tex. App.-Austin 1997, no pet.). As to the second portion of his complaint, appellant essentially argues that because the trial court "refused" to sanction him for his conduct, it is unreasonable as a matter of law for the district court in this proceeding to find his conduct violated disciplinary rule 8.04(a)(3). Appellant does not cite any law for this proposition, nor does he cite us to any evidence in the record in support of his contention. Accordingly, we decline to address it. See Tex. R. App. P. 38.1 (h).

In his second issue, appellant contends that rule 8.04(a)(3) is unconstitutional because it violates his First Amendment right to free speech, is overbroad, and is unconstitutionally vague as applied to him. Rule 8.04(a)(3) prohibits intentionally engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. Tex. R. Disciplinary P. 8.04(a)(3). Because violation of the rule requires an intentional falsehood, it does not infringe on constitutionally protected speech and appellant's constitutional arguments lack merit. See Garrison v. Louisiana, 379 U.S. 64, 75 (1964) ("calculated falsehood falls into that class of utterances which 'are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.'" For that reason, knowingly false statements or false statements made with reckless disregard of the truth, do not enjoy constitutional protection.). We overrule appellant's second issue.

In his third issue, appellant contends the evidence is legally and factually insufficient to support the trial court's findings with respect to the Bender complaint. In his fourth issue, appellant contends the evidence is legally and factually insufficient to support the trial court's findings with respect to the Rasor compliant. When challenging the legal sufficiency of the evidence to support a finding on which he did not have the burden of proof at trial, an appellant must demonstrate on appeal that no evidence exists to support the adverse finding. Casino Magic Corp. v. King, 43 S.W.3d 14, 19 (Tex. App.-Dallas 2001, pet. denied). We will sustain a no-evidence challenge when (1) the record discloses a complete absence of evidence of a vital fact, (2) the court is barred by rules of law or of evidence from giving weight to the only evidence offered to prove a vital fact, (3) the evidence offered to prove a vital fact is no more than a mere scintilla, or (4) the evidence establishes conclusively the opposite of the vital fact. Marathon Corp. v. Pitzner, 106 S.W.3d 724, 727 (Tex. 2003). We look to see whether any record evidence supports the challenged finding. Casino Magic, 43 S.W.3d at 19. Anything more than a scintilla of evidence is legally sufficient to support the finding. See id. In contrast, when reviewing the factual sufficiency of the evidence, we consider, weigh, and examine all the evidence presented at trial. Id. (citing Plas-Tex, Inc. v. U.S. Steel Corp., 772 S.W.2d 442, 445 (Tex. 1989)). We set aside a finding for factual insufficiency only if the evidence supporting the finding is so weak as to be clearly wrong and manifestly unjust. Bellino v. Comm'n for Lawyer Discipline, 124 S.W.3d 380, 385 (Tex. App.-Dallas 2003, pet. denied).

With respect to the Bender complaint, the trial court found that (1) appellant failed to keep Patrick Bender informed about efforts appellant was making to collect on an account Bender had with Ben Owens; (2) Bender expected suit to be filed against George Mackey but it was not; (3) appellant failed to

inform Bender about efforts to collect on the Mackey account; (4) appellant failed to inform Bender about Owens's failure to make agreed payments; and (5) appellant did not timely respond to Bender's complaint against him.

At trial, Bender testified that he hired appellant to help him with collections for Bender's company. Although appellant negotiated an agreement between Ben Owens and Bender's company, appellant never notified Bender about the agreement. Bender was unable to contact appellant for a period of months and finally just "showed up at his office." At one time, Bender asked Owens about the money Owens owed Bender, and Owens told him to ask appellant about it because Owens had already paid appellant. Later, appellant paid Bender $1000, but was unable to tell Bender how much money Owens had paid to appellant pursuant to the rule 11 agreement. Bender also testified that he gave appellant money for filing fees to file suit against several parties, including MacKay. After a period of time, "nothing was going forward" and Bender was having trouble getting into contact with appellant, and so he filed a grievance. At the time of trial, nothing had been filed and Bender was negotiating with another attorney to help him with those cases. Martha Ann Montgomery, an investigator with the Chief Disciplinary Counsel's office, testified that she did not receive a response from appellant until more than 30 days after appellant was informed of the Bender complaint.

Appellant testified that he sent a status report to Bender in October 1999; that after Bender filed a complaint, appellant paid Bender $1000; and that he timely responded to the Bender complaint. Appellant did not dispute Bender's testimony regarding his failure to keep Bender informed about the Owens agreement. Nor did appellant dispute his failure to file suit against Mackay. After reviewing the evidence under the applicable standards of review, we conclude the evidence is

legally and factually sufficient to support the trial court's determinations that appellant failed to (1) keep Bender informed about efforts appellant was making to collect the Owens's account; (2) file suit against Mackey; (3) inform Bender about efforts to collect on the Mackey account; (4) inform Bender about Owens's failure to make agreed payments; and (5) timely respond to Bender's complaint against him. We overrule appellant's third issue.

With respect to the Rasor complaint, the trial court found that appellant: (1) failed to deliver to Robert Rasor a portion of funds appellant had received in connection with collection efforts on behalf of Rasor from Lubbock Saw and Knife Company; and (2) failed to inform Rasor that after June 2000, Lubbock Saw and Knife Company stopped making payments.

Rasor testified that he hired appellant to do some collection work for his company. As part of that work, appellant obtained a judgment against one of Rasor's debtors, Lubbock Saw and Knife Company. Lubbock Saw and Knife was to make monthly payments to appellant, who would then keep one third of the payment and forward the other two-thirds to Rasor. According to Rasor, he did not receive regular payments on the account from February 2000 until he filed his complaint against appellant in October or November of that year. During that time, he tried to contact appellant "many times." Appellant would sometimes return his calls after hours, but Rasor was rarely able to speak with appellant. When Rasor was able to speak with appellant, appellant told Rasor he had the money and would get it to Rasor. Rasor did not learn that Lubbock Saw and Knife had stopped making payments until he contacted Lubbock Saw and Knife directly. Eventually, Rasor filed a complaint with the State Bar and after doing so, received payments from appellant.

Appellant admitted that he failed to timely disperse funds to Rasor and had "difficulty in communication" with Rasor about the status of the Lubbock Saw and Knife matter. Appellant explained that he did not disperse the funds from his trust account because he believed he could not do so after he and Rasor disagreed about the amount to be dispersed. Since that time, appellant learned that his information may have been incorrect and after the grievance was filed he dispersed the disputed funds. Appellant also testified that because of computer problems he was unsure what amount of money he had received from Lubbock Saw and Knife.

After reviewing the record under the applicable standards, we conclude the evidence is legally and factually sufficient to support the trial court's findings that appellant failed to (1) deliver a portion of funds collected from Lubbock Saw and Knife to Rasor; and (2) inform Rasor that after June 2000, Lubbock Saw and Knife Company stopped making payments. We overrule appellant's fourth issue.

In his fifth issue, appellant contends the trial court erred by allowing appellee to amend its complaint against him. According to appellant, appellee should not have been allowed to amend the allegation that he withheld funds from a date in April to a date in February. We review a trial court's decision to allow a trial amendment for an abuse of discretion. State Bar v. Kilpatrick, 874 S.W.2d 656, 658 (Tex. 1994). A party's unpleaded issue may be deemed tried by consent when evidence on the issue is developed under circumstances indicating that both parties understood the issue was in the case, and the other party fails to make an appropriate complaint. Tex. R. Civ. P. 67; Johnson v. Structured Asset Serv., LLC, 148 S.W.3d 711, 719 (Tex. App.-Dallas 2004, no pet.). To determine whether an issue was tried by consent, we examine

the record, not for evidence of the issue, but rather for evidence of trial of the issue. Id.

Here, Rasor testified he did not receive regular payments from February 2000 until after he filed his complaint in October or November of that year. Appellee introduced bank statements from appellant's IOLTA account for the months of February through November 2000. Monty Mayes, appellant's former employee, was questioned at length regarding appellant's February bank statements, the two February deposits from Lubbock Saw & Knife into appellant's IOLTA account, and appellant's failure to disperse those amounts. Appellant did not object to any of this testimony. It was not until after appellee had rested its case and began to question appellant on cross-examination about the February payments that appellant objected. Under these circumstances, we cannot conclude the trial court erred by determining the issue had been tried by consent. We overrule appellant's fifth issue.

Accordingly, we affirm the trial court's judgment.

/s Carolyn Wright
CAROLYN WRIGHT
JUSTICE

2. Mandate (January 5, 2006)

Court of Appeals
Fifth District of Texas at Dallas

MANDATE

TO THE 401ST JUDICIAL DISTRICT COURT OF COLLIN COUNTY, GREETINGS:

Before the Court of Appeals for the Fifth District of Texas, on the 5th day of May, 2005, the cause on appeal to revise or reverse the judgment between

BRYAN LEE WALTER, Appellant

Appeal from the 401st Judicial District Court of Collin County, Texas (Tr.Ct.No. 401-1212-02).
Opinion delivered by Justice Wright
Justices Moseley and Lang participating.

NO. 05-03-01779-CV V.

COMMISSION FOR LAWYER

DISCIPLINE, Appellee

was determined; and therein this Court made its order in these words:

In accordance with this Court's opinion of this date, the judgment of the trial court is AFFIRMED. It is ORDERED that appellee Commission for Lawyer Discipline recover its costs of this appeal from appellant Bryan L. Walter.

WHEREFORE, WE COMMAND YOU to observe the order of the Court of Appeals for the Fifth District of Texas, in this behalf, and have it duly obeyed and executed.

Witness, the HON. LINDA THOMAS, Chief Justice of the Court of Appeals, with the Seal thereof affixed, at the City of Dallas, this 5th day of January, 2006.

office of the clerk

by /s Sara Dupuis
deputy clerk

3. Order Denying Withhold of Mandate (January 27, 2006)

Order issued January 27, 2006

In The
Court of Appeals
Fifth District of Texas at Dallas
No. 05-03-01779-CV
BRYAN LEE WALTER, Appellant
v.
COMMISSION FOR LAWYER DISCIPLINE, Appellee

ORDER

Appellant's January 25, 2006 motion to withhold mandate and stay mandate pending appellant's petition for writ of certiorari to the United State's Supreme Court is DENIED.

/s Carolyn Wright
CAROLYN WRIGHT
JUSTICE

C.State Supreme Court Orders

1. Order Denying Petition for Review (September 9, 2005)

THE SUPREME COURT OF TEXAS

Orders Pronounced September 9, 2005

(Justice Willett did not participate in any of the dispositions announced today)

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

...

05-0506 BRYAN LEE WALTER v. COMMISSION FOR LAWYER DISCIPLINE; from Collin County; 5th district (05-03-01779-CV, ___ SW3d ___, 05-05-05)

...

2. Order Denying Motion for Rehearing (December 2, 2005)

THE SUPREME COURT OF TEXAS

Orders Pronounced December 2, 2005

Orders Pronounced December 2, 2005

ORDERS ON CAUSES

...

ORDERS ON MOTIONS FOR REHEARING

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

...

(Justice Green not sitting)

...

05-0506 BRYAN LEE WALTER v. COMMISSION FOR LAWYER DISCIPLINE: from Collin County: 5th district (05-03-01779-CV, ___ SW3d ___, 05-05-05)

...

Case History

A. State Trial Court Case History

Case Number: 401-01212-02
Judge Roy T. Sparkman
401st District Court
Plaintiff Commission for Lawyer Discipline
v.
Defendant Bryan L. Walter
Type Other Civil Cases
Disposition Final Judgment after Non-jury Trial

Date	Transaction/ Time	Entry
06/18/2002	Disciplinary Petition	06/18/2002
06/18/2002	Request for Citation-no service	06/18/2002
06/18/2002	$24 owed on petition	06/18/2002
06/18/2002	Issued O/C Cit. Mailed to atty	06/18/2002
06/19/2002	Additional Fee for Petition	06/19/2002
06/24/2002	Aff - Rule 103 Emilio Herrera	06/24/2002

06/24/2002	Order Rule 103- Signed	06/25/2002
07/19/2002	R's Original Answer	07/19/2002
08/20/2002	Order Setting Trial- Sgnd by R.sparkman	08/24/2002
10/07/2002	1st Amnd Disciplinary Pet	10/07/2002
10/07/2002	Not of Appearance & Desig of Counsl	10/07/2002
10/14/2002	Ord Ref Mediation- Signed	10/17/2002
11/22/2002	TBC/Judge Sparkman (Wichita Falls) Rmvd	11/22/2002
03/03/2003	Agrd Ord of Bifurcation/ Sparkman Sgnd	03/07/2003
03/06/2003	Request for Subpoena	03/06/2003
03/06/2003	Request for Subpoena	03/06/2003
03/06/2003	Request for Subpoena	03/06/2003
03/06/2003	Issued 3 Subp to Front	03/06/2003
03/13/2003	Request for Subpoena	03/13/2003
03/17/2003	Issued 1 Subp - Ret in SASE	03/17/2003
03/21/2003	Request for Subpoena	03/21/2003
03/21/2003	Issued 1 Subp - Ret in SASE	03/21/2003
03/28/2003	Sr Subp Bailey & Gaylen 3/7/3	03/28/2003
03/28/2003	Sr Subp James Stephenson 3/24/3	03/28/2003
03/28/2003	Sr Subp Hon Frank Sullivan	03/28/2003
03/31/2003	Trial w/ Judge Sparkman @ 9:00	10/09/2002
04/07/2003	P's Motion for Leave to File Trial Amendement to 1st Amnded Dscp Pet	04/07/2003
04/08/2003	R, Bryan Walter's Obj to Pet's Mot	04/08/2003

	for Leave to File Trial Amendment	
04/08/2003	P's Response to R's Obj to Mot for Leave to File Trial Amendment	04/08/2003
04/11/2003	Ord Grtg Leave to File Trial Amndmt/R.S.	04/16/2003
04/14/2003	Pet Summary of Evidence & Argument in Support of Finding Prof Misconduct	04/14/2003
04/14/2003	Resp Bryan Walter's Trial Brief	04/14/2003
04/16/2003	Pl's Trial Amendment to 1st Amended Disciplinary Petition	04/16/2003
04/21/2003	P's Suppl Trial Brief & Argument	04/21/2003
06/18/2003	Request for Subpoena	06/18/2003
06/18/2003	Request for Subpoena	06/18/2003
06/18/2003	Issued 2 Subp to Front	06/18/2003
06/20/2003	Copies	06/20/2003
06/30/2003	Evidentiary Hearing/Judge Sparkman @ 10:00	04/29/2003
07/16/2003	Pet's Trial Brief re Attys' Fees as an Ancillary Sanction	07/16/2003
07/16/2003	Ord Grntg Leave File 2nd Trial Amendment	07/22/2003
07/21/2003	P's Mot F/leave to File 2nd Trial Amndmnt to 1st Amnd Discpl Pet	07/21/2003
07/23/2003	Pet's 2nd Trial Amendment to 1st Amended Discp Pet	07/23/2003
07/25/2003	Resp. B Walter's Trial Brief Regrdg Exclusion of Atty's Fee Evidence	07/25/2003

09/02/2003	S/R Subp Brian Carper 062003	09/02/2003
09/08/2003	Judgement of Partially Prob Sentence- SD	09/11/2003
09/11/2003	Docket Sheet	09/11/2003
09/15/2003	re Bryan Walter's Req for Findings of Fact & Conclusions of Law	09/15/2003
09/18/2003	Resp Unopposed Mot for Stay Appeal Pending	09/18/2003
09/18/2003	Agreed Ord of Stay Pending Appeal- Sgnd	09/22/2003
09/19/2003	Copies	09/19/2003
09/23/2003	Docket Sheet	09/23/2003
10/07/2003	Find of Facts & Col-Signed	10/15/2003
10/09/2003	Findings of Fact & Conclusions of Law	10/09/2003
10/16/2003	Docket Sheet	10/16/2003
12/04/2003	Notice of Appeal	12/04/2003
12/08/2003	Snt Co of Not of Appeal to Crt of of Appeals	12/08/2003
12/19/2003	Pet Req for Addl Items to Be Incl in Clerks Rec	12/19/2003
12/31/2003	Copies	12/31/2003
12/31/2003	Money Paid for Transcript	12/31/2003
01/09/2004	Mld Appeal Coa Cert Mail	01/09/2004
01/14/2004	Grn Crd Retd/Crt of Appeals 1/12/04	01/14/2004
05/06/2005	Judgment & Memorandum Opinion/COA	05/06/2005
09/13/2005	Notic-Supreme Ct Pet for	09/13/2005

	Rev Denied	
01/05/2006	Mandate/COA (Affirmed) Signed	01/09/2006
01/13/2006	Docket Sheet	01/13/2006
01/24/2006	Mtn to Find Agreed Order of Stay in Effect	01/24/2006
01/25/2006	M/Find Agrd Ord of Stay in Effect	01/25/2006
02/02/2006	Ord Set Hearing Sgnd by R. Sparkman	03/09/2006
03/09/2006	Pet for a Wrt of Certiorari to Supreme Crt of Tx & Crt of Appeal	03/09/2006
03/09/2006	Resp to M/to Find Agrd Ord of Stay in Effect	03/09/2006
03/13/2006	Orig Pet and Motion to Transfer	03/13/2006
03/13/2006	Notice of Nonsuit of Mot to Find Agreed Order of Stay in Effect	03/13/2006
03/13/2006	Not of Non-suit (Mot Find Agrd Ord Stay)	03/14/2006
03/14/2006	Telephone Hearing/Judge Sparkman@ 8:30	02/06/2006
03/15/2006	Affidavit of Bryan L. Walter	03/15/2006

B. State Appellate Court Case History

5th Court Case History for Case Number: 05-03-01779-CV
Walter, Bryan L. v. Commission For Lawyer Dicipline
Date Filed: 12/11/2003 Original Proceeding (Y/N): N
Reg/Acc: R Type Case: Oth Civ Trial Cause#: 401-1212-02
Trial Court: 401st District Court County: Collin

Trial Court Judge: Sparkman, Roy T.
Trial Ct.Reporter: Terry, Michael
Trial Court ID: 320430401
Consolidated/Companion:

Attorney Information for Case Number: 05-03-01779-CV

Code	Type	Date On	Date Off	No.
	Code Represents			
Ant	Ld	12/11/2003	04/07/2004	N
	Att Bryan L. Walter			
	012137400 Lee, Steven L.			
Ant	Ld	04/07/2004	/ /	Y
	Att Bryan L. Walter			
	020811230 Walter, Bryan L.			
Ape	Re Att	12/11/2003	/ /	N
	Att Commission for Lawyer Dicipl.			
	014614300 Moyik, Stephen A			
Ape	Ld	01/22/2004	/ /	Y
	Att Commission for Lawyer Diciplin			
	082982500 Acevedo, Linda A.			
Ape	Re Att	06/03/2004	/ /	Y
	Att Commission for Lawyer Diciplin			
	24039353 Busby, Erin Glenn			
Ctr		12/11/2003	/ /	N
	Ctr			
	000000401 Court Reporter,			
Dck		12/11/2003	/ /	N
	Dck			
	000000401 District Clerk,			

Jdg 12/11/2003 / / N
Jdg
000000401 Judge,

Calendar Information for Case Number: 05-03-01779-CV

Cal	Date	Time	Reason	Or.Arg
Stor	01/05/2006		Case Store	

Event Information for Case Number: 05-03-01779-CV

Date	Procdg Bk/Pg	Event O E	By	Disp.	M#
09/08/2003	/	Judgment			
09/15/2003	/	FF/CCL Filed			
12/04/2003	/	NOA Filed	Tc		
12/11/2003	/	$125 Fee Pd			
12/11/2003	/	D/S Reed	Cv		
12/11/2003	/	Letter Filed	Ant		
12/11/2003	/	NOA Filed	Cv		
12/22/2003	/	SUP D/S Fld	Cv		
12/30/2003	/	Letter Filed	Clk		
01/06/2004	/	Record Due			
01/06/2004	/	Xrpt Rec Fld	Ctr		01

01/07/2004	Xrpt Rec Dsp	Ctr	Grant	01
01/12/2004	Clk Rec Fld			
01/20/2004	Rpt Rec Due	Ctr		
01/21/2004	Rpt Rec Fld			
01/22/2004	Letter Filed	Ape		
01/22/2004	Notice Filed			
02/20/2004	$10 Fee Paid	Ant		
02/20/2004	Brief Due	Ant		
02/20/2004	Xbrief Filed	Ant		01
02/23/2004	Xbrief Disp	Ant	Grant	01
03/21/2004	Brief Due	Ant		
03/22/2004	$10 Fee Paid	Ant		
03/22/2004	Xbrief Filed	Ant		02
03/24/2004	Xbrief Disp	Ant	Grant	02 93
04/02/2004	Rec Checkout	Ape		

04/06/2004	Brief Due	Ant		02
04/07/2004	Brief Filed N	Ant		
04/07/2004	Notice Filed	Ant		
04/07/2004	Rec Return	Ape		
04/28/2004	Xbrief Filed	Ape		01
04/29/2004	$10 Fee Paid	Ape		
05/03/2004	Xbrief Disp	Ape	Grant	01
05/07/2004	Brief Due	Ape		
06/02/2004	Letter Filed	Ape		
06/04/2004	At Issue N			
06/04/2004	Brief Filed N	Ape		
06/04/2004	Brief Due	Ape		01
09/20/2004	Letter Sent	Coa		
09/20/2004	Notice Filed	Ant		01
09/30/2004	Resp Due	Ant		

10/07/2004		Ord Entered	Othdis		93
	/4372				
10/18/2004		Submission			
	/	N			
10/22/2004		$10 Fee Paid	Ape		01
	/				
10/22/2004		Mt Postpone	Ape		01
	/				
10/26/2004		Mt Postpone	Ape	Grant	93
	/4581				
12/20/2004		Submission			
	/	N			
12/30/2004		Letter Filed	Ape		
	/				
02/09/2005		Submitted			
	/	N			
05/05/2005		Mem Opinion		Affirm	94
	/2082				
05/05/2005		Rec Retenton		Destry	
	/				
05/31/2005		Opin to Pub			
	/				
07/06/2005	Sup Ct	Xpet Rev Fld			
	/				
07/08/2005	Sup Ct	Xpet Rev Dsp		Grant	
	/				
07/21/2005	Sup Ct	Pet Rev Fld			
	/				
09/09/2005	Sup Ct	Pet Rev Disp		Denied	
	/				

10/06/2005	Sup Ct	Rehear Disp		Grant	
	/				
10/26/2005	Sup Ct	Rehear Due			
	/				
10/31/2005	Sup Ct	Rehear Filed			
	/				
12/02/2005	Sup Ct	Rehear Disp		Denied	
	/				
01/05/2006		Mandate Iss			
	/				
01/25/2006		$10 Fee Paid	Ant		
	/				
01/25/2006		Mt Stay	Ant		
	/				
*01/27/2006		Mt Stay Disp	Ant	Denied	95
	/544				
*01/30/2006		Response	Ape		
	/				

Fees Information for Case Number: 05-03-01779-CV

Pd.Date	Fee Type	Amount	Status	Notified
12/11/2003	Filing	125.00	Paid	/ /
01/13/2004	Clerks Record	255.00	Paid	/ /
01/21/2004	Rpts Record	1600.00	Paid	/ /
02/20/2004	Filing	10.00	Paid	/ /
03/22/2004	Filing	10.00	Paid	/ /
04/29/2004	Filing	10.00	Paid	/ /
10/22/2004	Filing	10.00	Paid	/ /
01/25/2006	Filing	10.00	Paid	/ /

Archive Information for Case Number: 05-03-01779-CV

Seq	How Began	Began	a Issue	Set	Submitted

1 Filing 12/11/2003 06/04/2004 B 02/09/2005

Opinion Information for Case Number: 05-03-01779-CV

Case Number	Date Evt Dispo.	Proceed Event Aut	Descr
05-03-01779-CV	05/05/2005 Affirm	Mem Opinion CIW	

Per Curiam: N Published: Y Date Sent to Opinion Reporter Service: / /
Date to West Publishing: / / Cite:

C. State Supreme Court Case History

Case Information:
Case Number: 05-0506
Date Filed: 7/6/2005
Case Type: Pet for Rev/Met
Style: Bryan Lee Walter
v.:
Commission for Lawyer Discipline

Case Events:

Date	Event Type and Description
	Disposition
	Opinion Written
12/19/2005	Case stored in record room
12/12/2005	final order of Supreme Court sent to CA
12/2/2005	Motion for Rehearing - Disposed. Indicates filing re Petition for Review
	Proceeding Denied
11/1/2005	Case forwarded to Court
10/31/2005	Motion for Rehearing - Filed. rehearing filed - petition for review

10/6/2005 M/E/T to file Motion for Rehearing disposed
Granted

9/29/2005 m/e/t to file motion for rehearing, Petitioner
9/29/2005 Notice requesting filing fee, Petitioner
9/29/2005 Phone call from Clerk's Office., Petitioner

9/9/2005 Petition for Review under Rule 53 Disposed of. Indicates filing re Petition for Review
Denied with Justice not setting
8/9/2005 Case forwarded to Court
8/2/2005 Response to Petition for Review waived (see remark, Respondent

7/21/2005 Petition for Review filed, Petitioner
7/21/2005 Appendix to Brief filed, Petitioner
7/8/2005 m/e/t to file petition for review disposed of, Petitioner
Granted

7/6/2005 m/e/t to file petition for review filed, Petitioner

Calendars:
Set Date Calendar Type Reason Set
12/19/2005 Case Stored Case stored, Supreme Court disposition is final.

Parties:
Party Party Type Representatives for this party
Walter, Bryan Lee Petitioner Mr. Bryan L. Walter, Mr. Steven L. Lee
Commission for Lawyer Discipline Respondent Ms. Linda A. Acevedo, Mr. Stephen A. Moyik

Court of Appeals Case Information:

COA Case Number: 05-03-01779-CV
COA Disposition: Affirmed
Opinion Cite: ___ SW3d ___, 05-05-05
Court of Appeals District: '05'

Court of Appeals Judge:
Justice: Honorable Carolyn I. Wright
Trial Court Information:
Trial Court: 401st District Court
County: Collin
Case Number: 401-1212-02
Judge: Honorable Roy T. Sparkman
Court Reporter: